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Paper No. 26

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MAY 27 2003

OFFICE OF PETITIONS

In re Application of
Beach, et al.
Application No. 09/244,304
Filed: February 3, 1999
Attorney Docket No. END919980071US1

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 16, 2003 (certificate of mailing date May 14, 2003), to revive the above-identified application.


The above-identified application became abandoned for failure to reply in a timely manner to the final Office action, mailed August 30, 2001, which set an extendable three month period for reply. Applicants filed an amendment on December 31, 2001 (certificate of mailing date October 29, 2001) that failed to place the application in *prima facie* condition for allowance, as was stated in the January 11, 2002 Advisory Action. The Office received no further response. The Office deemed this application abandoned on December 1, 2001 and a Notice of Abandonment was mailed on May 29, 2002.

Petitioners have submitted the petition fee, an acceptable statement of the unintentional nature of the delay in responding to the August 30, 2001 final Office action, and a reply to the August 30, 2001 final Office action. Petitioners' reply is an improper CPA, filed May 29, 2002, which will be treated as a proper RCE with required submission (the amendment filed May 29, 2000).

Accordingly, the petition under 37 CFR 1.137(b) is **GRANTED**.

After this decision is mailed, the application file will be returned to Technology Center 3600 for entry of the RCE and amendment, filed May 29, 2002, and continued examination.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6712.


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